

All persons desiring to speak on agenda items are asked to fill out a *Speaker Information Card* and place it at the Staff Table prior to the start of discussion of the agenda item. Each individual speaker will be limited to a presentation total of three (3) minutes per person, per item.

CITY COUNCIL AGENDA

Tuesday, January 21, 2003 7:30 PM

MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL
CONFERENCE CENTER, 1000 SPRING STREET

PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR
TO THE MEETING WITH A COPY TO THE CITY CLERK

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham

PUBLIC COMMENTS

This is the time the public may address the Council on items other than those scheduled on the agenda. **PLEASE SPEAK DIRECTLY INTO THE MICROPHONE AND BEGIN BY STATING YOUR NAME AND ADDRESS. EACH PERSON AND SUBJECT IS LIMITED TO A 3-MINUTE DISCUSSION.** Any person or subject requiring more than three minutes may be scheduled for a future Council meeting or referred to committee or staff. Those persons wishing to speak on any item scheduled on the agenda will be given an opportunity to do so at the time that item is being considered.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

If applicable, staff to advise Council of any other item on the agenda that is to be deferred or tabled.

PRESENTATIONS – None

NOTICED HEARINGS

1. [Continue Hearing – Code Amendment 02-007 \(Signs\)](#)

R. Lata, Community Development Director

Consider continuing this item regarding an update of the City's sign ordinance. (In light of legal issues, complexity and other pending projects, additional time is needed to refine the text of the proposed Ordinance.) CONTINUED FROM NOVEMBER 19, 2002

OPTIONS:

- a. Accept public testimony and continue the open public hearing to the Council's regular meeting on March 4, 2003.
- b. Amend, modify, or reject the above option.

ROLL CALL

2. [Continue Hearing – Code Amendment Regarding Limitation on Vehicle Weights in Residential Zones](#)

R. Lata, Community Development Director

Consider continuing a public hearing to establish vehicle weight limits on residential streets. (During the summer of 2002 Council discussed options to limit the weight of trucks within residential zoned areas. Further action was deferred pending a court decision that could impact the City's ability to enforce vehicle weight restrictions. The City Attorney recently advised that the City could proceed with consideration of an Ordinance.) CONTINUED FROM JULY 16, 2002

OPTIONS:

- a. Continue the open noticed hearing regarding vehicle weight restrictions in residential areas to March 4, 2003.
- b. Amend, modify or reject the foregoing option.

ROLL CALL VOTE

3. [Code Amendment 02-015 to Prohibit Drive-through Restaurants in a Specified Geographic Area of the City, and Clarify the Status of Other Drive-through Uses Citywide \(City-initiated\)](#)

R. Lata, Community Development Director

Consider a City-initiated Code Amendment that would amend the Zoning Code regarding drive-through uses in the City. (The Code Amendment would establish the following code changes: (a) add language that would prohibit drive-through restaurants in the area generally bounded by 1st Street on the south, 21st Street on the north, Vine Street on the west, and Highway 101 on the east; (b) clearly provide for other types of drive-through sales and service uses as an accessory to banks, coffee shops, pharmacies and other similar uses; and (c) add definitions for Drive-through Restaurants and Drive-through Sales/Services to the Municipal Code. Outside of the specified geographic area, drive-through restaurants would still be permitted.) CONTINUED FROM DECEMBER 17, 2002

OPTIONS:

- a. (1) Adopt Resolution No. 03-xx adopting a Negative Declaration for Code Amendment 02-015 application.

ROLL CALL VOTE

- (2) Introduce for first reading Ordinance No. XXX N.S. approving Code Amendment 02-015 changing Section 21.16.200.F.13 and Section 21.13.030 of the Zoning Code by adding language that would prohibit drive-through restaurants in the area generally bounded by 1st Street on the south, 21st Street on the north, Vine Street on the west, and Highway 101 on the east; and amend Section 21.16.200.M to allow drive-through sales/services such as banks, coffee kiosks, pharmacies and other similar uses Citywide as determined by the Development Review Committee and/or the Planning Commission depending on the necessary review process for each specific site, provide for related definitions, and set February 4, 2003, as the date for adoption of said Ordinance.

ROLL CALL VOTE

- b. Amend, modify or reject the foregoing option.

4. [Code Amendment 02-013 \(Building Height Regulations\)](#)

R. Lata, Community Development Director

Consider approving a proposed Code Amendment revising the City's building height regulations and Negative Declaration therefore. (The proposed Code Amendment implements the City's goals as expressed in its General Plan by providing the Planning Commission with the authority through the Planned Development process to modify certain development standards, including allowable building heights. Reliance on a case-by-case review of the specific characteristics of the project site and the project design is an appropriate way for determining the allowable building height or height(s) for a development project. As revised per discussion on December 17, 2002, the ordinance would provide for City Council review and approval for buildings over three stories in height.) CONTINUED FROM DECEMBER 17, 2002

OPTIONS:

- a. (1) Adopt Resolution No. 03-xx adopting a Negative Declaration for the Code Amendment 02-013; and

ROLL CALL VOTE

- (2) Introduce for first reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code revising the process and strengthening the findings for allowing buildings to exceed height restrictions when appropriate (Code Amendment 02-013), and set February 4, 2003, as the date for adoption of said Ordinance.

ROLL CALL VOTE

- b. Request additional information and analysis.
- c. Amend, modify, or reject the above option.

5. [Appeal of Planning Commission Decision Making a Finding of Substantial Compliance for Troesh Ready Mix, Inc. with Conditional Use Permit 80-004](#)

R. Lata, Community Development Director

Consider an appeal of the Planning Commission's decision on December 10, 2002. (The Planning Commission voted to allow Troesh Ready Mix, Inc. to re-establish a cement batch plant on the site located at 1741 North River Road. An appeal was filed by the "Neighbors Against Cement Plant." The City's appeal process authorizes the Council to uphold, overturn or modify the Planning Commission decision.)

OPTIONS:

- a. Deny the Appeal by upholding the Planning Commission's substantial compliance determination regarding Conditional Use Permit 80-004, thereby allowing the applicant to proceed as described.
- b. Continue the appeal to allow an opportunity for Troesh Ready Mix to modify their operational characteristics relating to hours of operation, number of employees and/or trucks to better fit within the scope of Conditional Use Permit 80-004.
- c. Amend, modify, or reject the above options.

ROLL CALL VOTE

**ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY,
REDEVELOPMENT AGENCY & CITY COUNCIL**

CONSENT

6. [Ordinance to Amend the Fiscal Year 2002/2003 Budget to Appropriate Redevelopment Low and Moderate Income Housing Funds for Low Income Senior Housing Projects - Creekside Gardens and Oak Park](#)

R. Lata, Community Development Director

Consider adoption of an ordinance to amend the fiscal year 2002/2003 budget to appropriate Redevelopment Low and Moderate Income Housing (LMIH) funds for the Creekside Gardens Project and Oak Park Low Income Senior Housing Project. (The appropriation of LMIH funds for both of these projects were approved by Council on December 17, 2002, and January 7, 2003. Appropriations of LMIH funds must be effectuated via an ordinance amending the budget for the present fiscal year.)

OPTIONS:

- a. Introduce for first reading Ordinance No. XXX N.S. amending the fiscal year 2002/2003 budget for the Redevelopment Low and Moderate Income Housing Fund, and set February 4, 2003, as the date for adoption of said ordinance.
- c. Amend, modify, or reject the above option.

ROLL CALL VOTE (REDEVELOPMENT AGENCY)

ADJOURN TO CITY COUNCIL MEETING

CONSENT CALENDAR

ITEMS ON THE CONSENT CALENDAR ARE CONSIDERED ROUTINE, NOT REQUIRING SEPARATE DISCUSSION. However, if discussion is wanted or if a member of the public wishes to comment on an item, the item may be removed from the Consent Calendar and considered separately. Councilmembers may ask questions of clarification without removing an item from the Calendar. INDIVIDUAL ITEMS 7-13 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

7. [Receive and file Advisory Body Committee minutes as follows:](#)
Housing Authority meeting for December 10, 2002
8. [Approve Warrant Register – Warrant Nos. 37828 - 37881 \(1/3/03\) to 37882 - 38048 \(1/10/03\).](#)
M. Compton, Administrative Services Director
9. [Adopt Resolution No. 03-xx with pre-approved Certified Arborist list \(Exhibit A\), valid until January 21, 2004.](#) (The Oak Tree Protection Ordinance amended in September 2002 requires that an arborist consulting in the City must be certified by the International Society of

Arboriculture [ISA] and be on a list of certified arborists approved by the City Council. This list of arborists was compiled using the latest information available from the 2002 ISA member director and the Internet.)

R. Lata, Community Development Director

10. [Adopt Resolution No. 03-xx with a pre-approved environmental consultant list, valid until January 21, 2005 or another date determined by Council.](#) (The purpose of the pre-approved consultant list is to save both staff and the applicant time when selecting an environmental firm. It allows the City to avoid the step of reviewing Statements of Qualifications when the City needs to contract for environmental services. The List approved by Council in September 2000 was valid for two years and requires updating.)

R. Lata, Community Development Director

11. [Adopt Resolution of Intent No. 03-xx abandoning a 60-foot wide unimproved street as shown on the Exhibit "A" and setting February 18, 2003, in the Paso Robles City Hall, 1000 Spring Street, for a public hearing for all persons interested or having objection to the proposed closing.](#) (Area proposed to be abandoned is the "old" South River Road alignment, south of Oak Hill Road and east of the current South River Road. The Planning Commission has recommended approval of the abandonment request. The request was submitted by Ed Petrilli, Phase II Realty for the purpose of accommodating the applicant's proposed development of PD 02-008, Jiffy Lube.)

R. Lata, Community Development Director

12. [Extend the Airport Master Plan/Airport Land Use Plan Review ad hoc committee's assignment to August 5, 2003.](#) (The Master Plan and Airport Land Use Plans are substantially delayed in development, with a revised project completion of July 31, 2003. The committee could be retained in order to complete the review and adoption process.)

J. Deakin, Public Works Director

13. [Extend the airport terminal restaurant ad hoc committee to June 17, 2003.](#) (Committee was formed to review proposals and conduct interviews regarding an airport terminal restaurant. An extension is requested in order to allow adequate time to review restaurant operation proposals and negotiate contract terms.)

J. Deakin, Public Works Director

ROLL CALL VOTE

PUBLIC DISCUSSION

14. [Request to Remove an Oak Tree – 515 Red River Road \(Todd\)](#)

R. Lata, Community Development Director

Consider a request to remove one, triple-stem (each 8 inches in diameter) Blue Oak on a residential lot proposed for development. (Applicant Darryl Todd requests the tree removal to accommodate the construction of a new house on the parcel located on Lot 79 of Tract 2281, 515 Red River Drive. An Arborist Report rates the tree as being in poor condition.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving removal of the triple-stem native Blue Oak tree based on the arborist rating the tree as being in poor condition and the fact that there are eleven other trees on the lot that would be preserved; and approving a replacement ratio of six inches of Blue Oak, to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional (e.g., Blue Oaks shall be planted in a non-irrigated environment).

- b. Deny the request to remove the triple-stem Blue Oak and require the applicant to design a house in a manner to avoid all oak trees.
- c. Amend, modify or reject the above options.

ROLL CALL VOTE

15. [Request to Remove an Oak Tree – 843 Vine Street \(Jolliffe\)](#)

R. Lata, Community Development Director

Consider a request to remove one, double-stem, 28.8 inch Coast Live Oak. (Applicant Ron Jolliffe requests the tree removal to accommodate the construction of a garage and second dwelling unit on the R-2 zoned property at 843 Vine Street. An Arborist Report rates the tree as being in poor to fair condition as a result of the previous owner's illegal pruning, with only two co-dominant stems with a weak fork structure to carry new growth.)

OPTIONS:

- a. Adopt Resolution No. 03-xx denying the oak tree removal request based on the applicant's inability to demonstrate that extraordinary effort has been made to design around the tree as required by Section 10.01.050 E of the City's municipal code.
- b. Adopt Resolution No. 03-xx approving removal of the double-stem 28.8-inch Coast Live Oak based on the arborist identifying the tree as being in poor condition and structurally weakened by previous pruning, and allowing the removal of the tree with the condition that the applicant replace with 7.2 inches of Coast Live Oak based on 1.5-inch caliper being the minimum tree size, to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional.
- c. Amend, modify or reject the above options.

ROLL CALL VOTE

16. [Homeless Housing Project's Application for 2003 Community Development Block Grant \(CDBG\) Funds](#)

R. Lata, Community Development Director

Consider a request made by the Homeless Housing Project (HHP) to allow their application for 2003 Community Development Block Grant (CDBG) funds for the Motel Voucher Program to be considered along with the other 21 applications for 2003 CDBG funds, even though the application was received after the October 28, 2002, deadline. (HHP states that they did not receive the Request for Proposals from County Planning Department because of a clerical error omitting the suite number from their address. They maintain that had they received the RFP, they would have submitted an application by the deadline.)

OPTIONS:

- a. Indicate that the City Council **will not** reduce or eliminate other earmarked program funding to consider Homeless Housing Project's application for 2003 CDBG funds along with the other 21 applications for 2003 funds for possible funding when the City Council conducts a public hearing on March 4, 2003.

- b. Indicate that the City Council **will** consider the Homeless Housing Project's application for 2003 CDBG funds along with the other 21 applications for 2003 funds for possible funding when the City Council conducts a public hearing on March 4, 2003. This option would require reductions in or elimination of other public service projects or public facilities projects.
- c. Amend, modify or reject the above options.

VOICE VOTE

17. [Restricted Time Parking – Melody Drive](#)

D. Cassidy, Police Chief

Consider authorizing restricted time parking on the west curb of Melody Drive from Veronica Drive to Niblick Road. (On school mornings, Melody Drive is a congested roadway from Veronica Drive to Niblick Road. Installation of "No Parking" signs, effective Monday through Friday from 0700 a.m. to 0900 a.m., would provide sufficient space allowing vehicles to make a right turn at Niblick, while vehicles are waiting to turn left. Residents would only be impacted with restricted parking for a two-hour period on weekdays.)

OPTIONS:

- a. Approve installation of two "NO PARKING 7:00 AM to 9:00 AM, Monday through Friday" signs on Melody Drive from Veronica Drive to Niblick Road.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

18. [Chandler Ranch Area Specific Plan Contract Services](#)

R. Lata, Community Development Director

Consider authorizing a contract with Rincon Consultants for completion of the Chandler Ranch Area Specific Plan and Environmental Impact Report (EIR). (In November 2002 the City suspended Cannon Associates' work on the Chandler Ranch Area Specific Plan and EIR and subsequently terminated their service agreement. In order to proceed with preparation of the Plan and EIR in a timely manner, it is necessary to select a replacement for Cannon's contract services. Rincon Consultants was one of the four firms who were considered for the original contract services agreement and is also the lead firm working with the City on the General Plan Update Program.)

OPTIONS:

- a. Authorize entering into a Contract Services Agreement with Rincon Consultants for completion of the Chandler Ranch Area Specific Plan and EIR at a cost of not to exceed \$311,000, based on the attached proposal, and authorize use of the balance of the funds allocated to the Chandler Ranch Area Specific Plan and EIR project along with a portion of the reserves set aside for the General Plan update program for the purposes of paying for the Chandler Ranch Area Specific Plan and EIR.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

19. [Signage at Barney Schwartz Park Reservoir](#)

J. Deakin, Public Works Director

Consider additional "No Swimming" signage at Barney Schwartz Park (BSP) reservoir. (In September 2002, Council directed staff to continue enforcing the current City Code prohibiting swimming at Barney Schwartz Park lake, post additional signage, and investigate and evaluate the feasibility of roping off a wading area perimeter.)

OPTIONS:

- a. Authorize staff to add NO SWIMMING text to existing Barney Schwartz Park reservoir signs and add four signs at the locations noted on the attached diagram.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

20. [Visitor Serving Directional Signs](#)

R. Lata, Community Development Director

Provide direction to updating the City's visitor serving directional sign program and consider authorizing that the funds for purchase and installation of the additional visitor serving directional signs be included as part of the Fiscal Year 2004/2007 Budget and Financial Plan. (Council previously established a program establishing a standard design for visitor serving directional signs, identifying suitable sites for sign placement, and appropriating funds to purchase and install visitor serving directional signs. In furtherance of the City's efforts to increase tourism, it is recommended that additional directional signs be installed throughout Paso Robles to direct visitors to existing attractions and facilities.)

OPTIONS:

- a. Adopt Resolution 03-xx authorizing that a budget be established as part of the Fiscal Year 2004/2007 Budget and Financial Plan in the amount of \$1,815 for fabrication and installation of 11 additional visitor servicing direction signs.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

21. [Sludge Bed Modifications – Change Order Request](#)

J. Deakin, Public Works Director

Consider approving a Change Order to the construction contract for the Sludge Bed Modifications project. (In mid-October 2002, during the sludge bed excavation, soil instability was observed. Because soil conditions were less stable than assumed during design, the structural integrity needed to be recalculated. The needed modification doubles the slab thickness and adds reinforcement steel in the modified section. City's Payment and Purchasing Procedures Manual requires that the City Council approve any Change Orders exceeding 25% of the original contract.)

OPTIONS:

- a. Authorize staff to approve a Change Order to the Sludge Bed Modifications contract to Viborg Sand and Gravel, Inc. in the amount of \$95,270.00.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

22. [Paso Robles Groundwater Basin Phase II Technical Review](#)

J. Deakin, Public Works Director

Consider approving contract with Todd Engineers to perform technical review of the Phase II Paso Robles Groundwater Basin Study. (The City's water resource strategy includes continued involvement in regional projects affecting the City's water resource accessibility. During the Phase I Study, the City relied upon Todd Engineers to provide technical review and comment on the City's behalf. Because of the similarity in the study Phase I and Phase II issues, particularly the technical issues of geology, hydrology and hydrogeology, staff provides the option to Council to utilize Todd Engineers as the Phase II expert, as well.)

OPTIONS:

- a. (1) Adopt Resolution No. 03-xx appropriating \$30,000 to Budget Account No. 600-310-5224-468 from the Water Enterprise Fund; and
- (2) Direct staff to enter a Service Agreement with Todd Engineers for a not-to-exceed price of \$28,200 to represent the City on the Paso Robles Groundwater Basin Phase II Study Technical Review Committee.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

CITY MANAGER

23. [Airport Lease and Development Review – Ad Hoc Committee](#)

J. Deakin, Public Works Director

Consider dissolving the ad hoc committee formed February 2002 to evaluate Airport lease amendments and new lease proposals, as all leases proposed at that time are now concluded and no longer being considered; and forming a new ad hoc committee to review the proposals received under the Request for Proposals published in December 2002 for developing Airport properties, as well as to review the proposed changes to the Airport policy documents, and make recommendations to the full City Council.

OPTIONS:

- a. Dissolve the Airport Lease Review ad hoc committee and appoint an Airport Development and Policy Review ad hoc committee, expiring July 15, 2003.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION

24. [Council Advisory Committee Membership](#)

M. Compton, Administrative Services Director

Provide direction to staff relative to Commission/Committee Policy as it relates to membership on multiple committees. (A member of the Transit Advisory Committee was recently appointed to the Redevelopment Agency's Project Area Committee. Council Policies & Procedures adopted December 18, 2001, provides that appointees may only serve on one committee or commission at a time. However, the Council may modify and make exception as they see fit.)

OPTIONS:

- a. Provide direction as to whether or not the appointee must resign from one of the committees.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

- a. **Conference with Legal Counsel – Anticipated Litigation**
Subdivision (c) of Government Code Section 54956.9
Initiation of Litigation
Number of cases: Two

ADJOURNMENT: to THE ADJOURNED MEETING & GOAL SETTING WORKSHOP AT 7:00 PM ON THURSDAY, JANUARY 23, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE CHAMBER OF COMMERCE ANNUAL DINNER AT 6:00 PM ON SATURDAY, JANUARY 25, 2003, AT THE MID STATE FAIR GROUNDS, HWY. 46 AND RIVERSIDE.

FUTURE MEETINGS

- PASO ROBLES & SAN LUIS OBISPO CITY COUNCILS TOUR OF PASO ROBLES AT 10:00 AM ON **FRIDAY, JANUARY 31, 2003**. POINT OF ASSEMBLY AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- ADJOURNED MEETING AND GOAL SETTING WORKSHOP AT 9:00 AM ON **SATURDAY, FEBRUARY 1, 2003**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.
- REGULAR CITY COUNCIL MEETING AT 7:30 PM ON **TUESDAY, FEBRUARY 4, 2003**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS JANUARY 24, 2003